

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/902,048
Inventor : Michael Lee Vatter
Filed : July 10, 2001
Art Unit : 1617
Examiner : Shengjun Wang
Docket No. : 8163L
Confirmation No. : 7755
Customer No. : 27752
Title : Transfer-Resistant Makeup Removing Compositions

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING REFERENCE APPLICATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The owner, The Procter & Gamble Company, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 09/850,763, filed on May 8, 2001, as such term is defined in 35 U.S.C. 154 to 156 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the pending reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on said reference application, as the term of any patent granted on said reference

Appl. No. 09/902,048
Docket No. 8163L
Paper dated March 4, 2008
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REMARKS

This reply is in response to a telephonic inquiry by Examiner Shengjun Wang on March 3, 2008. Examiner Wang noted that the claims are in condition for allowance; however, an error was noted on a previously submitted Terminal Disclaimer. The Terminal Disclaimer submitted on September 19, 2002, incorrectly listed the pending application as serial number 08/850,763. Attached to this response is a replacement Terminal Disclaimer identifying the correct pending application as serial number 09/850,763. With the filing of this replacement Terminal Disclaimer, the Terminal Disclaimer of September 19, 2002 is now void.

According to § 1490.V.C. of the Manual of Patent Examining Procedure, "Once a correct replacement terminal disclaimer is received, the next Office action should make it clear that 'the second terminal disclaimer replaces the first terminal disclaimer, and the first terminal disclaimer is thus void.' A second terminal disclaimer fee should not be assessed/charged, since the first fee is applied to the second terminal disclaimer."

Conclusion

This response represents an earnest effort to correct the error noted by the Examiner. Allowance of the pending claims is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By



Signature

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Date: March 4, 2008
Customer No. 27752